

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:18-cv-719
)	
CITY OF BUFFALO, NEW YORK, et al.,)	
)	
Defendants.)	

ORDER RE: SCHEDULING CONFERENCE

Each party shall appear before the undersigned on **October 9, 2018 at 3:00 p.m.** at **Buffalo, New York**, for the purpose of entry of a Case Management Order (*see* attached) as required by Rule 16(b) of the Federal Rules of Civil Procedure. The undersigned will appear by videoconference.

Pursuant to Fed. R. Civ. P. 16 and Local Rule 16, the parties are hereby directed to fully comply with Federal Rule of Civil Procedure 26.

All parties should note that the case is subject to mandatory pretrial mediation as required by the court's recently adopted Alternative Dispute Resolution Plan (the "ADR Plan"). The parties are encouraged to consult the ADR Plan and a related document, the Alternative Dispute Resolution Procedures, copies of which are available from the Clerk of Court and on the court's website at www.nywd.uscourts.gov.

This case has not been referred to a magistrate judge. The undersigned is presiding over it pursuant to a Judge Sharing Pilot Program implemented in January of 2017 which is further described at nywd.uscourts.gov/news/usdc-wdny-judge-sharing-program-implementation-date-january-2017.

Based on the foregoing, it is hereby

ORDERED that pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties shall confer at least twenty-one (21) days prior to the Rule 16(b) hearing as

scheduled above for the purpose of preparing the required Proposed Discovery Plan (“PDP”) and to propose a Case Management Order that will establish dates for progress of the case. In preparing the proposed Case Management Order, the parties should bear in mind that, absent extraordinary circumstances, dispositive motions are due within twelve (12) months of the Rule 16(b) conference, and consequently all discovery must be completed prior to that deadline.

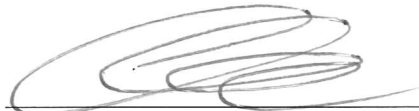
The PDP shall be in writing and shall specifically address relevant issues concerning the management of all pretrial discovery practice in this case, including:

1. Deadline for compliance with the mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure. Any objections to the required disclosures must also be stated in the PDP;
2. Deadline for the filing of motions to amend the pleadings or add parties;
3. Deadline for completion of fact discovery;
4. If expert discovery is contemplated by any party, a deadline for the completion of all expert discovery, including full compliance with Rule 26(a)(2) regarding the identification and filing reports of testifying experts;
5. Deadline for the filing of motions to compel discovery;
6. Any orders that should be entered under Rule 26(c) (protective/confidentiality orders);
7. Any changes in the limitations on discovery as provided in Rule 30 (oral depositions), Rule 33 (interrogatory practice), and Rule 34 (document requests);
8. Any issues that the parties reasonably foresee concerning preservation and/or discovery of electronically stored information, including the form or forms in which it should be produced;
9. Any agreements between the parties concerning assertions of claims of attorney-client privilege or work-product protection after information is produced, including agreements under Federal Rule of Evidence 502;
10. Deadline for the filing of dispositive motions;
11. The advisability and timing of a judicially supervised settlement conference or other alternative dispute resolution, including mediation;
12. The parties shall advise whether a jury trial is required and the estimated length of the trial.

After the meeting, the parties shall prepare a written PDP as required by Rule 26(f) and electronically file the PDP report with the Clerk's Office no later than fourteen (14) business days prior to the Rule 16(b) conference as herein scheduled. At the conclusion of the Rule 16(b) conference and after conferring with the parties, the court shall issue a Case Management Order governing all further pretrial proceedings in this action.

SO ORDERED.

Dated at Burlington, Vermont, this 21st day of August, 2018.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Christina Reiss, District Judge
United States District Court